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Of Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JENNIFER BACON,

Plaintiff,

v.

DEPARTMENT OF HUMAN SERVICES, a
subdivision of the State of Oregon, and SONYA
BUCHHOLTZ, an Individual,

Defendants.

Case No. 3:18-cv-01925-YY

DECLARATION OF HOLLY LLOYD IN
SUPPORT OF PLAINTIFF'S OPPOSITION
TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

I, Holly Lloyd, declare as follows:

1. I am one of the attorneys representing Plaintiff Jennifer Bacon in the above-captioned matter. I make this declaration in support of Plaintiff's Opposition to Defendants' Motion for Summary Judgment Motion. This Declaration is based upon my personal knowledge and from documents produced by defendants in this litigation. I am competent to testify with respect to the matters set forth below.

2. The Law Offices of Judy Snyder was substituted as counsel of record for Ms. Bacon on April 17, 2020. Since that time, I have been reviewing discovery and the pleadings in this case to prepare the response to the Defendants' Motion for Summary Judgment.

3. On April 22, 2020, I had a telephone conversation with Ms. Nordyke and Mr. Crowley, who represent defendants. In that conversation, they informed me that they had additional e-discovery to produce that had been delayed due to an issue with their outside vendor. On May 5, 2020, I received approximately 1800 additional discovery documents. As of the time of preparing this declaration, I have not had an opportunity to begin reviewing the new discovery. I may need additional time to supplement the response to Defendant's Motion for Summary Judgment based upon my review of the additional discovery. If so, I will notify Ms. Nordyke and Mr. Crowley, and request the court's permission prior to doing so.

4. Attached as Exhibit 1 is a true and correct copy of excerpts from the January 24, 2020, deposition of Charles Anderson. Deposition transcripts will be referred to throughout the briefing by deponent name, rather than exhibits to my declaration.

5. Attached as Exhibit 2 is a true and correct copy of excerpts from the November 12 and 26, 2019, depositions of Sonya Buchholtz.

6. Attached as Exhibit 3 is a true and correct copy of excerpts from the November 13, 2019, deposition of Michael Cleary.

7. Attached as Exhibit 4 is a true and correct copy of excerpts from the December 9, 2019, deposition of Bonnie Crawford.

8. Attached as Exhibit 5 is a true and correct copy of excerpts from November 13, 2019, deposition of Nicole Cunningham.

9. Attached as Exhibit 6 is a true and correct copy of excerpts from the November 13, 2019 deposition of Katie Jenkins.

10. Attached as Exhibit 7 is a true and correct copy of excerpts from the November 13, 2019, deposition of Margaret Taylor.

11. Attached as Exhibit 8 is a true and correct copy of the excerpts from the November 8, 2019, deposition of Steve Vesper.

12. Attached as Exhibit 9 is a true and correct copy of excerpts from the January 29, 2020, deposition of Tilynn Wilson.

13. Attached as Exhibit 10 is a true and correct copy of excerpts from the State of Oregon Audit Report 2018-05, titled Department of Human Services Child Welfare System; Foster Care in Oregon: Chronic management failures and high caseloads jeopardize the safety of some of the state's most vulnerable children, which was marked as Exhibit 1 in the deposition of Bonnie Crawford. The entire report is available online through the Oregon Secretary of State site at: <http://records.sos.state.or.us/ORSOSWebDrawer/Recordpdf/5849909>.

14. Attached as Exhibit 11 is a true and accurate copy of excerpts from a document marked Exhibit 4 in the November 12, 2019 deposition of Sonya Buchholtz. This document is a transcript of Ms. Bacon's May 26, 2017 fact finding meeting, with comments added by Ms. Buchholtz, and was produced by defendants in discovery.

15. Attached as Exhibit 12 is a true and correct copy of a January 19, 2017 email between Larry Merritt and Sonya Buchholtz, and Kristen Khamnohack, with forwarded emails regarding "Conflict of Interest." These emails were produced by defendants in discovery.

16. Attached as Exhibit 13 is a true and correct copy of a January 24, 2017 email between Larry Merritt and Sonya Buchholtz regarding "Discussion Follow-Up." This document was produced by defendants in discovery.

17. Attached as Exhibit 14 is a true and correct copy of January 25, 2017 emails between Sonya Buchholtz and Heather Kitto regarding Jennifer Bacon. These emails were produced by defendants in discovery.

18. Attached as Exhibit 15 is a true and correct copy of excerpts of the 2015-2019 Collective Bargaining Agreement between SEIU Local 503, OPEU and the State of Oregon Department of Administrative Services in effect through June 30, 2019. This document was

produced by defendants in discovery.

19. Attached as Exhibit 16 is a true and correct copy of Plaintiff's Notice of Department of Human Services, Pursuant to Fed. R. Civl. P. 30(b)(6), 30(b)(2) and 34 Notice of Deposition, marked as Exhibit 2 during Ms. Buchholtz's November 12, 2019 deposition.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to the penalty for perjury.

DATED this 6th day of May, 2020.

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s/Holly Lloyd

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